

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.1225 OF 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 14.02.2006 passed in O.P.No.224 of 2002 by the Chairman, Motor Accidents Claims Tribunal (V Additional District Judge), at Nizamabad (for short, the Tribunal).

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Tribunal in the original petition.

3. The brief facts of the case are that the petitioner is the resident of Nehrunagar locality of Nizamabad Town and agriculturist-cum-milk vendor by profession. He was aged about 50 years at the time of the accident and earning Rs.7,000/- per month from the above said avocation. On 27.11.2001, during even hours at about 6.00 p.m., when he was returning to his house, on the way near Nehrunagar, the crime scooter bearing No.AP-25-G-2470 came in a rash and negligent manner with high speed and dashed him resulting the accident. In the said accident, he sustained fracture of both jaws, nose, injury, head injury, injury on the left hand, injury on the left leg, injury on the chest, as well as multiple and grievous injuries on other various parts of the body. Immediately after the accident, he was shifted to Amrutha Laxmi Multi Specialty Hospital, Nizamabad, and the petitioner has incurred Rs.40,000/-

towards medicines and extra diet. Hence, the petitioner filed the claim petition claiming compensation of Rs.2,00,000/-, payable by both the respondents jointly and severally, being the owner and insurer of the offending scooter.

4 Before the Tribunal, the 1st respondent remained *ex parte*. Respondent No.2 filed written statement denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. After considering the oral evidence of P.Ws.1 & 2 and R.W.1 and the documentary evidence of Exs.A-1 to A-12 & Exs.B-1 & B-2, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending scooter and awarded total compensation of Rs.28,506/- i.e., Rs.20,000/- towards pain and suffering of the grievous injuries, Rs.4,000/- towards hospital charges, Rs.1,800/- towards charges of brain scanning, Rs.706/- towards purchase of medicines and Rs.2,000/- towards extra nourishment, with interest @ 7.5% per annum from the date of petition till the date of realization, payable by both the respondents. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

6. Heard Sri Azar Sravan Kumar, learned counsel for the appellant and Sri R.Venkat Rao, learned standing counsel for

the 2nd respondent/insurance company. Perused the material available on record.

7. Sri Azar Sravan Kumar, learned counsel for the appellant contends that the compensation amount awarded by the Court below is very meager, since the Court below has not granted any amount towards transportation charges and three grievous injuries and prayed to allow the appeal.

8. In the facts and circumstances of the case and the submissions made by the learned counsel for the appellant, this Court feels that it would be just and appropriate to enhance the compensation under various heads as follows:

Sl. No.	Name of Head	Awarded by Court below	Awarded by this Court
01.	Pain & Suffering of the grievous injuries	Rs.20,000/-	Rs.45,000/- (Rs.15,000/- x 3 grievous injuries)
02.	Hospital charges	Rs.4,000/-	Rs.4,000/-
03.	Charges of brain scanning	Rs.1,800/-	Rs.1,800/-
04.	Extra Nourishment	Rs.2,000/-	Rs.2,000/-
05.	Purchase of medicines	Rs.706/-	Rs.706/-
06.	Transportation charges	-	Rs.5,000/-
TOTAL		Rs.28,506/-	Rs.58,506/-

Except the said enhancement, the rest of the order of the Tribunal remains un-changed.

9. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed enhancing the compensation amount awarded by the Court below from Rs.28,506/- to Rs.58,506/- payable by both the respondents jointly and severally. The

enhanced amount shall carry interest @ 7.5% per annum from the date of petition till realization. The respondents are directed to deposit the enhanced amount along with proportionate costs and interest within two (02) months from the date of receipt of a copy of this order. On such deposit, the appellant is permitted to withdraw the entire amount. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 27th November, 2019

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